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**PLEASE DELIVER TO:**

**EXAMINER PETER A. HRUSKOCI**

**Phone 703-308-3839**  
**ART UNIT 1724**

**COMPANY:** PATENT & TRADEMARK OFFICE  
WASHINGTON, DC 20231

**FAX NUMBER:** 703-872-9573

**TOTAL PAGES** 5 ~~94~~ Pages (Including Cover Sheet)

**FROM:** J.M. (Mark) Gilbreth, Reg No.: 33,388


**RE:** **SERIAL NO. 09/918,246**

~~REQUEST FOR REMAINDER OF OFFICE ACTION, POWER OF ATTORNEY~~  
~~AND OFFICE ACTION OF JANUARY 14, 2002~~

*COPY OF*

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to fax number 703.872.9573, Attn: Examiner Peter A. Hruskoci, Assistant Commissioner for Patents, Washington, D.C. 20231, on July 8, 2002. Faxed herewith is a ~~2 page Request for Remanding of Office Action, Power of Attorney and Office Action of January 14, 2002~~ for the above referenced Application.

  
J.M. (Mark) Gilbreth, Reg No. 33,388  
Person Sending Fax



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20221  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,246	07/30/2001	Richard Alan Haase	Clear Value-020:C	3290

7590 01/14/2002

THE MATTHEWS FIRM  
1900 WEST LOOP SOUTH, SUITE 1800  
HOUSTON, TX 77027

EXAMINER
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HRUSKOCI, PETER A

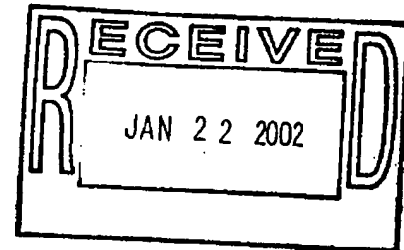
ART UNIT	PAPER NUMBER
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1724

DATE MAILED 01/14/2002

703-308  
3839  
PRVD EX. DESK  
703-872-9573  
3/14/02 4/14/02

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

Application No.

09/404,295

Applicant(s)

BETTRIDGE, DAVID FREDERICK

Examiner

Jennifer McNeil

Art Unit

1775

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5 and 7-24 is/are pending in the application.
- 4a) Of the above claim(s) 8-16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-22 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7,23 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Application/Control Number: 09/404,295  
Art Unit: 1775

Page 2

### DETAILED ACTION

This action is in response to the amendment mailed December 20, 2001. A new examiner has been assigned.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Grunke et al (US 5,006,419). Grunke et al teach a structural component made of a titanium alloy and covered by a protective coating. The protective coating comprises silicates and also includes high temperature resistant pigments such as chromium oxide. A specific example of the silicate that may be used is sodium silicate (water glass). The protective coating may be applied by spraying (col. 3, lines 59-66; col. 6, lines 58-67; col. 8, lines 26-29).

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Application/Control Number: 09/404,295

Art Unit 1775

Page 3

Claims 2, 4, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grunke et al (US 5,006,419) in view of Shalaby (US 5,118,581). Grunke et al teach a titanium alloy coated with a layer of silicate and chromium oxide as discussed above but does not give specific examples of the titanium alloys which may be protected. Shalaby teaches protection of gamma titanium aluminides with aluminosilicate coatings. The aluminosilicate coating is applied to the titanium alloy substrate and heated which forms a silicide intermediate layer. As it is shown by Shalaby that silicate coatings may be used to protect titanium aluminide alloy substrates, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the silicate coating of Grunke et al to the substrate of Shalaby to provide a protective coating which avoids discharge of dangerous compounds (Grunke et al, col. 3, lines 59-66). Regarding claim 2, the application of the silicate layer to the titanium alloy substrate and the subsequent heat treatment would form a silicide layer therebetween.

***Allowable Subject Matter***

Claims 17-22 are allowed.

***Response to Arguments***

Applicant's arguments with respect to claims 1, 2, 4, 5, 7, 23, and 24 have been considered but are moot in view of the new ground(s) of rejection.

Application/Control Number: 09/404,295  
Art Unit: 1775

Page 4


*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer McNeil whose telephone number is 703-305-0553. The examiner can normally be reached on Monday through Friday, 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on 703-308-3822. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Jennifer McNeil  
Examiner  
Art Unit 1775

  
JCM  
January 3, 2002

  
DEBORAH JONES  
SUPERVISORY PATENT EXAMINER

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>IN RE APPLICANT:</b> Richard A. Haase	§	<b>EXAMINER:</b> Hruskoci, P.
	§	
<b>FILED:</b> 07/30/01	§	<b>ART UNIT NO.:</b> 1724
	§	
<b>SERIAL NO.:</b> 09/918,246	§	
	§	
<b>TITLE:</b> <i>Potable Water Treatment and Method of Operation Thereof</i>	§	<b>ATTY DOCKET NO.</b> 27410/020C
	§	
	§	

**REQUEST FOR REMAILING OF OFFICE ACTION**

The Assistant Commissioner of Patents  
Washington, DC 20231

Dear Sir:

Faxed herewith, please find (1) a new power of attorney; and (2) a copy of the Office action of 1/14/2002 as received by applicant.

In the course of preparing a response to this Office action, it was just discovered that the wrong Office action was attached to the cover sheet. Specifically, attached to this cover sheet for S/N 09/918,246 was an "Office Action Summary" and "Detailed Action" for S/N 09/404,295 for applicant Bettridge, from Examiner Jennifer McNeil in art unit 1724.

Further muddying the water, is that prior patent counsel filed a "Notice to Examiner of Incorrect Mailing" on 2/6/2002 to bring the above to the attention of the PTO. However, as of yet, applicant has not received a corrected remailed Office action.

Very respectfully, applicant requests remailing of the correct "Office Action Summary" and "Detailed Action" (along with any cited references). Per MPEP 710.06, "Where for any reason it becomes necessary to re-mail any action ( MPEP § 707.13), the action should be correspondingly redated, as it is the remailing date that establishes the beginning of the period for reply. Ex parte Gourtoff, 1924 C.D. 153, 329 O.G. 536 (Comm'r Pat. 1924).

As the statutory period for responding to this Office action runs in a few days (July 8, 2002), applicant's attorney very respectfully requests a phone call (713/667-1200) regarding the status of this requested remailing.

If it would be of assistance in resolving any issues in this application, the Examiner is kindly invited to contact applicants' attorney Mark Gilbreth at 713/227-1200.

Respectfully submitted,

Date: July 8, 2002



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J/M. (Mark) Gilbreth, Registration No. 33,388  
Attorney for Applicants

GILBRETH & ASSOCIATES, P.C.  
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BELLAIRE, TEXAS 77402-2428  
713/227-1200  
713/667-4424



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**POWER OF ATTORNEY**

Docket No.

27410/020C

Name of Applicant: **Richard A. Hesse**  
Address of Applicant: **P.O. Box 623**  
**Sugar Land, TX 77487-0623**

Title: **Potable Water Treatment System and Method of Operation Thereof**

Serial No., if Any: **09/918,246**  
Filed: **07/30/01**

**TO THE ASSISTANT COMMISSIONER FOR PATENTS**

The Assistant Commissioner for Patents  
Washington, D.C. 20231

Honorable Sir:  
I hereby appoint:

**J.M. (Mark) Gilbreth, Reg. No. 33,388**  
**Mary A. Gilbreth, Ph.D., Reg. No. 45,775**

as principal attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all future correspondence to:

**J.M. (Mark) Gilbreth**  
**Gilbreth & Associates, P.C.**  
**P.O. Box 2428**  
**Bellaire, Texas 77402-2428**  
**(Tel) 713-667-1200**  
**(Fax) 713-667-4424**

By:

  
**Richard A. Hesse**

Dated: 7/8/02